

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BENJAMIN R. PANKEY,)	CASE NO. 4:09CV617
)	
PETITIONER,)	JUDGE PETER C. ECONOMUS
)	
V.)	
)	
KEITH SMITH,)	
Warden,)	ORDER
)	
RESPONDENT.)	
)	

This matter is before the Court upon a petition for a writ of habeas corpus filed by Benjamin R. Pankey ("Petitioner"), pursuant to 28 U.S.C. § 2254. (Dkt. # 1).

On May 20, 2009, this case was automatically referred to Magistrate Judge James S. Gallas for preparation of a Report and Recommendation, pursuant to 28 U.S.C. § 636 and LR 72.1. On September 22, 2009, the Magistrate issued a report and recommendation, recommending that the Court deny the instant petition because Grounds One through Five are without merit and Grounds Six and Seven are procedurally defaulted. (Dkt. # 14).

FED. R. CIV.P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but Petitioner has failed to timely file any such objections. Therefore, the Court must assume that Petitioner is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and an inefficient use of the Court's limited resources. Thomas v. Arn, 728

F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

The Court has reviewed the report and recommendation of the Magistrate Judge *de novo*, and finds that it is well-supported. Therefore, the Report and Recommendation of Magistrate Judge Gallas (Dkt. # 14) is hereby **ADOPTED**, and Petitioner's petition for a writ of habeas corpus is **DENIED**.

IT IS SO ORDERED.

/s/ Peter C. Economus – October 29, 2009
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE